



STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
COUNCIL ON AFFORDABLE HOUSING
PETITION APPLICATION



This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.

MUNICIPALITY	Atlantic Highlands	COUNTY	Monmouth
COAH REGION	4	PLANNING AREA(S)	Planning Area 1
SPECIAL RESOURCE AREA(S)	Cafra		
PREPARER NAME	Steve Lydon, P.P.	TITLE	Planner
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MUNICIPAL HOUSING LIAISON	Adam Hubeny	TITLE	Borough Administrator
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Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

History of Approvals	COAH	JOC	N/A
First Round	_____	_____	<input checked="" type="checkbox"/>
Second Round	_____	_____	<input checked="" type="checkbox"/>
Extended Second Round	_____	_____	<input checked="" type="checkbox"/>

Does the Petition include any requests for a waiver from COAH Rules? ☒ Yes ☐ No
If Yes, Please note rule section from which waiver is sought and describe further in a narrative section: NJAC 5:97-3.XX

FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)

All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.

Included	On File	Required Documentation/Information
<input checked="" type="checkbox"/>		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan
<input checked="" type="checkbox"/>		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box): <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input checked="" type="checkbox"/> Petitioning <input type="checkbox"/> Filing <input type="checkbox"/> Re-petitioning <input type="checkbox"/> Amending Certified Plan </div>
<input checked="" type="checkbox"/>		Service List (in the new format required by COAH)
<input checked="" type="checkbox"/>		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)
<input checked="" type="checkbox"/> <input type="checkbox"/> N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4
<input type="checkbox"/> <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master's Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Zoning Ordinance (most recently adopted) ¹ Date of Last Amendment: _____ Date of Submission to COAH: 12/31/2005
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: _____ Date of Submission to COAH: 12/31/2005
<input type="checkbox"/>	<input type="checkbox"/>	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list):

FOR OFFICE USE ONLY

Date Received _____ Affidavit of Public Notice _____ Date Deemed _____
Complete/Incomplete _____ Reviewer's Initials _____

¹ Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

HOUSING ELEMENT

(N.J.A.C. 5:27-2 & N.J.S.A. 40:55D-1 et seq.)

The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.

1. The plan includes an inventory of the municipality's housing stock by¹:

- ☒ Age;
- ☒ Condition;
- ☒ Purchase or rental value;
- ☒ Occupancy characteristics; and
- ☒ Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

☒ Yes, Page Number: 11 ☐ No (incomplete)

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to²:

- ☒ Population trends
- ☒ Household size and type
- ☒ Age characteristics
- ☒ Income level
- ☒ Employment status of **residents**

☒ Yes, Page Number: 18 ☐ No (incomplete)

3. The plan provides an analysis of existing and future employment characteristics of the **municipality**, including but not limited to³:

- ☒ Most recently available in-place employment by industry sectors and number of persons employed;
- ☒ Most recently available employment trends; and
- ☒ Employment outlook

☒ Yes, Page Number: 21 ☐ No (incomplete)

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections.
AND

The analysis covers the following:

- ☒ The availability of existing and planned infrastructure;
- ☐ The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- ☒ Anticipated land use patterns;
- ☐ Municipal economic development policies;
- ☒ Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- ☒ Existing or planned measures to address these constraints.

☒ Yes, Page Number: 10 ☐ No (incomplete)

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

☒ Yes, Page Number: 33 ☐ No (incomplete)

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

☐ Yes, Page Number: _____ ☒ No (go to 6a)

- 6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(d) (optional - see Fair Share Plan section starting on page 7 of this application).

☐ Yes (go to 7 and 8) ☒ No (go to 6b)

- 6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

☒ Yes, Page Number: 61 ☐ No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

- ☐ Number of units for which certificates of occupancy were issued since January 1, 2004;
- ☐ Pending, approved and anticipated applications for development;
- ☐ Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and
- ☐ The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html)

☐ Yes, Page Number: _____

☐ No (incomplete)

☒ Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

- ☐ Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;
- ☐ Square footage of pending, approved and anticipated applications for development;
- ☐ Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;
- ☐ Demolition permits issued and projected for previously occupied non-residential space; and
- ☐ The worksheet for determining a higher non-residential growth projection provided by COAH.

☐ Yes, Page Number: _____

☐ No (incomplete)

☒ Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

- ☒ Rehabilitation share (from Appendix B);
- ☒ Prior round obligation (from Appendix C); and
- ☒ Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

☒ Yes, Page Number: 53 ☐ No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

☐ Yes, Page Number: _____ ☐ No (incomplete) ☒ Not Applicable

Petition date: _____ Endorsement date: _____

¹ Information available through the U.S. Census Bureau at

http://factfinder.census.gov/servlet/ACSSAFFHousing?_sse=on&_submenuId=housing_0

² Information available through the U.S. Census Bureau at <http://factfinder.census.gov/home/saff/main.html>.

³ Information available through the New Jersey Department of labor at

<http://www.wnjin.net/OneStopCareerCenter/LaborMarketInformation/lmi14/index.html>

FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

Determining the 1987-2018 Fair Share Obligation

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the "need" column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the "Need" column.

Line		<u>Need</u>
1	<input type="radio"/> Rehabilitation Share (From <u>N.J.A.C. 5:97 Appendix B</u>) OR	<u>6</u>
2	<input type="radio"/> Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit _____.)	_____
		<u>Need</u>
3	<input type="radio"/> Prior Round (1987-1999) Affordable Housing Obligation (From <u>N.J.A.C. 5:97 Appendix C</u>)	<u>86</u>
	<input type="radio"/> Prior Round Adjustments:	
	<input type="radio"/> 20% Cap Adjustment	<u>0</u>
	<input type="radio"/> 1000 Unit Cap Adjustment	<u>0</u>
4	Total Prior Round Adjustments	<u>0</u>
5	Adjusted Prior Round Obligation: (Number in Appendix C minus Total Prior Round Adjustment(s))	<u>86</u>
	<input type="radio"/> Prior Round Vacant Land Adjustment (Unmet Need)	<u>54</u>
6	Realistic Development Potential(RDP) ¹	<u>32</u>

¹ RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

Determining the Growth Share Obligation

All municipalities must complete the "COAH projections" table below. Only municipalities that anticipate higher projections or that are seeking a growth projection adjustment based on a demonstration that insufficient land capacity exists to accommodate COAH projections need complete the corresponding additional table. COAH has published three workbooks in Excel format to assist with preparing this analysis. All municipalities must complete Workbook A. Workbook B must be used when the municipality anticipates that its growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH and the municipality wants to plan accordingly. Workbook C must be used by municipalities seeking a downward adjustment to the COAH-generated growth projections based on an analysis of municipal land capacity. Workbooks may be found at the following web location:

www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html.

The applicable workbook has been completed and is attach to this application as Exhibit _____.

Line ○ ***Required 2004-2018 COAH Projections and Resulting Projected Growth Share***

Household Growth (From Appendix F)	<u>81</u>	Employment Growth (From Appendix F)	<u>602</u>
Household Growth After Exclusions (From Workbook A)	<u>21</u>	Employment Growth After Exclusions (From Workbook A)	<u>135</u>
Residential Obligation (From Workbook A)	<u>4.20</u>	Non-Residential Obligation (From Workbook A)	<u>8.60</u>

7 Total 2004-2018 Growth Share Obligation 12.80

○ ***Optional 2004-2018 Municipal Projections Resulting in Higher Projected Growth Share***

Household Growth After Exclusions (From Workbook B)	_____	Employment Growth After Exclusions (From Workbook B)	_____
Residential Obligation (From Workbook B)	_____	Non-Residential Obligation (From Workbook B)	_____

8 Total 2004-2018 Projected Growth Share Obligation _____

○ ***Optional Municipal Adjustment to 2004-2018 Projections and Resulting Lower Projected Growth Share***

Household Growth After Exclusions (From Workbook C)	<u>21</u>	Employment Growth After Exclusions (From Workbook C)	<u>135</u>
Residential Obligation (From Workbook C)	<u>4.20</u>	Non-Residential Obligation (From Workbook C)	<u>8.60</u>

9 Total 2004-2018 Growth Share Obligation 12.80

10 **Total Fair Share Obligation** (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9) 12.80

Summary of Plan for Total 1987-2018 Fair Share Obligation

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	<u>Completed</u>	<u>Proposed</u>	<u>Total</u>
Rehabilitation Share			<u>6</u>
<i>Less: Rehabilitation Credits</i>	<u>0</u>		<u>0</u>
Rehab Program(s)		<u>6</u>	<u>6</u>
Remaining Rehabilitation Share			<u>0</u>
Prior Round (1987-1999 New Construction) Obligation			<u>86</u>
<i>Less: Vacant Land Adjustment (If Applicable)</i>			
<i>(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP):</i>			<u>54</u>
Unmet Need			<u>54</u>
RDP	<u>8</u>	<u>24</u>	<u>32</u>
Mechanisms addressing Prior Round			
Prior Cycle Credits (1980 to 1986)		_____	_____
Credits without Controls	_____	_____	_____
Inclusionary Development/Redevelopment	_____	_____	_____
100% Affordable Units	<u>57</u>	<u>6</u>	<u>63</u>
Accessory Apartments	_____	<u>5</u>	<u>68</u>
Market-to-Affordable	_____	<u>10</u>	<u>78</u>
Supportive & Special Needs	_____	_____	_____
Assisted Living	_____	_____	_____
RCA Units previously approved	_____	_____	_____
Other	_____	_____	_____
Prior Round Bonuses	_____	<u>8</u>	<u>86</u>
Remaining Prior Round Obligation	_____	_____	<u>0</u>
Third Round Projected Growth Share Obligation			<u>14</u>
<i>Less: Mechanisms addressing Growth Share</i>			
Inclusionary Zoning	_____	<u>5</u>	<u>5</u>
Redevelopment	_____	_____	_____
100% Affordable Development	_____	_____	_____
Accessory Apartments	_____	_____	_____
Market-to-Affordable Units	_____	<u>9</u>	<u>14</u>
Supportive & Special Need Units	_____	_____	_____
Assisted Living: post-1986 Units	_____	_____	_____
Other Credits	_____	_____	_____
Compliance Bonuses	_____	_____	_____
Smart Growth Bonuses	_____	_____	_____
Redevelopment Bonuses	_____	_____	_____
Rental Bonuses	_____	_____	_____
Growth Share Total	_____	_____	<u>14</u>
Remaining (Obligation) or Surplus	_____	_____	<u>0</u>

PARAMETERS¹

<u>Prior Round 1987-1999</u>			
RCA Maximum	43	RCAs Included	0
Age-Restricted Maximum	21	Age-Restricted Units Included	63
Rental Minimum	22	Rental Units Included	68

<u>Growth Share 1999-2018</u>			
Age-Restricted Maximum	3	Age-Restricted Units Included	0
Rental Minimum	4	Rental Units Included	4
Family Minimum	7	Family Units Included	14
Very Low-Income Minimum ²	2	Very Low-Income Units Included	2

¹ Pursuant to the procedures in N.J.A.C. 5:97-3.10-3.12

² Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008, at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at www.nj.gov/dca/affiliates/coah/resources/checklists.html.

Table 1. Projects and/or units addressing the Rehabilitation Share

Project/Program Name	Proposed (use Checklists) or Completed(see <u>Rehabilitation Unit Survey Form</u>)	Rental, Owner Occupied or Both	Checklist or Form Appendix Location ¹
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 2. Programs, Projects and/or units addressing the Prior Round.

Project/Program Name	Mechanism or Bonus Type	Proposed (use checklists) or Completed (use Project/Unit Program Information Forms)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Number Addressing Rental Obligation)	Number Subject to Age- Restricted Cap	Checklist or Form Appendix Location ¹
1. Leonard Avenue	Municipally Sponsored	Proposed	4	4	0	—
2. Simpson Avenue	Municipally Sponsored	Proposed	2	2	0	—
3. Portland Pointe	Municipally Sponsored	Completed	63	63	63	—
4. Navesink Cove	Buy Down	Proposed	10	0	0	—
5. Rental Bonuses	Rental Bonus	Proposed	8	0	0	—
6. Accessory Apartment Program	Accessory Apartment	Proposed	5	5	0	—
7.	—	—	—	—	—	—
8.	—	—	—	—	—	—
9.	—	—	—	—	—	—
10.	—	—	—	—	—	—
11.	—	—	—	—	—	—
12.	—	—	—	—	—	—
13.	—	—	—	—	—	—
14.	—	—	—	—	—	—
15.	—	—	—	—	—	—
Subtotal from any additional pages used				0		
Total units (proposed and completed)				78		
Total rental				—		
Total age-restricted				63		
Total very-low				0		
Total bonuses				8		
Please add additional sheets as necessary.						

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 3. Programs, Projects and/or Units Addressing the Third Round.

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s)) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with “BR” where Special Needs bedrooms apply)	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age- restricted Cap	Checklist or Form Appendix Location ¹
16. Navesink Cove	Market to Affordable	<u>Proposed</u>	<u>7</u>	<u>7</u>	<u>7</u>	<u>0</u>	_____
17. Sfc Enterprises	Growth Share Zoning	<u>Proposed</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>0</u>	_____
18. Rental Bonus	Rental Bonus	<u>Proposed</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>0</u>	_____
19.		_____	_____	_____	_____	_____	_____
20.		_____	_____	_____	_____	_____	_____
21.		_____	_____	_____	_____	_____	_____
22.		_____	_____	_____	_____	_____	_____
23.		_____	_____	_____	_____	_____	_____
24.		_____	_____	_____	_____	_____	_____
25.		_____	_____	_____	_____	_____	_____
26.		_____	_____	_____	_____	_____	_____
27.		_____	_____	_____	_____	_____	_____
28.		_____	_____	_____	_____	_____	_____
29.		_____	_____	_____	_____	_____	_____
30.		_____	_____	_____	_____	_____	_____
Subtotal from any additional pages used			<u>0</u>	Total units (proposed and completed)		<u>14</u>	
Total family units			<u>11</u>	Total rental units		<u>11</u>	
Total age-restricted units			<u>0</u>	Total family rental units		<u>11</u>	
Total Supportive/Special Needs units			<u>0</u>	Total very-low units		<u>2</u>	
Total Special Needs bedrooms			<u>0</u>	Total bonuses		<u>3</u>	
Please add additional sheets as necessary.							

¹ If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Please answer the following questions necessary for completeness review regarding the municipality's draft and/or adopted implementing ordinances.

AFFORDABLE HOUSING TRUST FUND (N.J.A.C. 5:97-8)

1. Does the municipality have an affordable housing trust fund account? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a fully executed escrow agreement will forfeit the ability to retain development fees.)

☒ Yes, Bank Name Wachovia

(Choose account type) ☒ Separate interest-bearing account

☐ State of New Jersey cash management fund

☐ No (Skip to the Affordable Housing Ordinance section)

2. Has an escrow agreement been executed? ☒ Yes ☐ No
(If no, petition is incomplete. Submit an executed escrow agreement.)

3. Is all trust fund monitoring up-to-date as of December 31, 2007? ☒ Yes ☐ No
(If no, petition is incomplete. Submit an updated trust fund monitoring report.)

DEVELOPMENT FEE ORDINANCES (N.J.A.C. 5:97-8.3)

1. Does the Fair Share Plan include a proposed or adopted development fee ordinance? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a development fee ordinance will forfeit the ability to retain non-residential development fees)

☒ Yes,

☒ Adopted OR ☐ Proposed

☐ No Skip to the next category; Payments-in-Lieu

2. If adopted, specify date of COAH/Court approval here: April 7, 2006

- Have there been any amendments to the ordinance since COAH or the Court approved the ordinance?

☒ Yes, Ordinance Number. _____ Adopted on December 15, 2008

☐ No (Skip to the next category; Payments-in-Lieu)

- If yes, is the amended ordinance included with your petition?

☒ Yes

☐ No, (Petition is incomplete. Submit ordinance with governing body resolution requesting COAH approval of amended ordinance)

3. Does the ordinance follow the ordinance model **updated September 2008** and available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? If yes, skip to question 5.

☒ Yes ☐ No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

Information and Documentation

The ordinance imposes a residential development fee of 1.50% and a Non-residential fee of 2.5 %

☒ A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);

☒ A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)

☒ A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d)

☒ A description of collection procedures per N.J.A.C. 5:97-8.3(f)

☒ A description of development fee appeals per N.J.A.C. 5:97-8.3(g)

☒ A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)

☐ If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (**Note: must be at least 30 percent of all development fees plus interest**)?

☒ Yes (Specify actual or anticipated amount) \$46710

☐ No **Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.)**

- If yes, what kind of assistance is offered?

■ Has an affordability assistance program manual been submitted? ☐ Yes ☒ No

¹ Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH's review and approval of the amendment prior to the adoption of said amendment by the municipality.

**PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON
SITE (N.J.A.C. 5:97-8.4)**

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?

☐ Yes ☒ No (**Skip to the next category; Barrier Free Escrow**)

2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? (**Optional**)

☐ Yes (**attach applicable checklist**)

☐ No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.)

3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? (**Optional**)

☐ Yes (indicate ordinance section) _____

☐ No

BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?

☐ Yes ☒ No

2. Does the municipality anticipate collecting any other funds for affordable housing activities?

☐ Yes (specify funding source and amount) _____

☒ No

SPENDING PLANS (N.J.A.C. 5:97-8.10)

1. Does the petition include a Spending Plan? **(Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.)**
☒ Yes ☐ No
2. Does the Spending Plan follow the Spending Plan model **updated October 2008** and available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? If yes, skip to next section - Affordable Housing Ordinance.
☒ Yes ☐ No
3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

Information and Documentation

- ☒ A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;
- ☒ A projection of revenues anticipated from other sources (specify source(s) and amount(s));
- ☒ A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- ☒ A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;
- ☒ A schedule for the expenditure of all affordable housing trust funds;
- ☒ A schedule for the creation or rehabilitation of housing units;
- ☒ If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;
- ☒ If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;
- ☒ The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;
- ☒ A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and
- ☒ If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 *et seq.*)

1. Does the Fair Share Plan include an Affordable Housing Ordinance?
☒ Yes ☐ No
2. Does the ordinance follow the ordinance model available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? ☒ Yes ☐ No
3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

Required Information and Documentation

- ☐ Affordability controls
- ☐ Bedroom distribution
- ☐ Low/moderate-income split and bedroom distribution
- ☐ Accessible townhouse units
- ☐ Sale and rental pricing
- ☐ Municipal Housing Liaison
- ☐ Administrative Agent
- ☐ Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

AFFORDABLE HOUSING ADMINISTRATION (As Applicable)

Items that must be submitted with the petition:

- ☒ Governing body resolution designating a municipal housing liaison (COAH must approve)

Items that must be submitted prior to COAH's grant of Substantive Certification:

- ☐ Operating manual for rehabilitation program
- ☐ Operating manual for affordability assistance
- ☐ Operating manual for an Accessory Apartment program
- ☐ Operating manual for a Market-to-Affordable program
- ☐ COAH approved administrative agent if municipal wide

Items that must be submitted prior to any time prior to marketing completed units:

- ☐ COAH approved administrative agent(s) is project specific
- ☐ Operating manual for sale units
- ☐ Operating manual for rental units
- ☐ Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

Narrative Section

The Borough of Atlantic Highlands respectfully requests a waiver from N.J.A.C. 5:97-5.3(b)(6), requiring that a municipality may only utilize age-restricted credits subject to the formulas set forth in N.J.A.C. 5:97-3, or up to 25% of the municipality's unmet need. The Borough has enough existing credits to fully satisfy not only the age-restricted maximum of its RDP and growth share obligation, but it also has enough credits to satisfy its entire 54-unit unmet need. The Borough has petitioned in both the Second and original Third Rounds, and both times, the Borough has never had the Council formally approve its Vacant Land Adjustment. In those two petitions, the Borough was allowed to apply those existing age-restricted credits toward its entire unmet need; however, through no fault of the Borough, the Council is now limiting the Borough to 25% of its unmet need obligation. Thus, instead of having its entire prior round obligation satisfied, the Borough would have to apply additional mechanisms to its unmet need, while sitting on an excess of credits that it cannot use. Therefore, the Borough respectfully requests that the Council grant it a waiver from the age-restricted maximum requirement set forth in N.J.A.C. 5:97-5.3(b)(6).

In addition, the Borough of Atlantic Highlands herein respectfully requests, if necessary, a waiver from provisions that require municipally sponsored construction to commence within two years of the date of substantive certification. The Borough seeks this waiver in order to secure the necessary outside funding that will be necessary to proceed with construction. The Borough will be seeking outside funding, grants and fees collected from operation of the amended development fee ordinance to fund these units. It is felt that additional time is necessary in order to secure the necessary level of funding. The same waiver is also requested with regard to the market to affordable program for the same reason. The workforce grant application filed last year to purchase units at Navesink Cove was not funded. The Borough intends to continue to seek these funds until successful.

Upon Council review and approval of the waiver requests, Atlantic Highlands will prepare and submit to Council a more comprehensive and detailed implementation plan that will clearly project when municipal construction will commence and key dates concerning the market to affordable program proposed for the Navesink Cove community. In the meantime, Atlantic Highlands does intent to fulfill its responsibilities to satisfy no less than half its rehabilitation obligation in the years immediately after

the grant of substantive certification. The municipality does pledge to fund the required amount without seeking a waiver with regard to the implementation schedule.



ORDINANCE 16-2006

AMENDING AND SUPPLEMENTING THE DEVELOPMENT REGULATIONS – ADDING AN ATLANTIC HIGHLANDS AFFORDABLE HOUSING ZONE

WHEREAS, the Borough of Atlantic Highlands has a judicially determined constitutional obligation to provide a realistic opportunity to allow the construction of housing affordable to low and moderate income households; and

WHEREAS, the Borough of Atlantic Highlands has adopted and approved a Housing Element and Fair Share Plan dated December 20, 2005 revised on August, 2006 and is diligently seeking substantive certification from the Council on Affordable Housing (COAH) for its cumulative 1987-2014 affordable housing obligation; and

WHEREAS, the Borough of Atlantic Highlands desires to incorporate draft ordinances into and be made part of said Housing Element and Fair Share Plan; and

WHEREAS, this ordinance is being enacted to implement the 2006 Housing Element and Fair Share Plan of the Borough of Atlantic Highlands.

Section 1 Purpose

- A. The AH zone is intended to fulfill the mandates of the Mount Laurel II Supreme Court decision and comply with the rules and regulations of the New Jersey Council on Affordable Housing (COAH).
- B. The AH zone is intended to provide the opportunity to construct affordable housing within the Borough of Atlantic Highlands.

Section 2 Use Regulations

- A. Permitted Principal Use:
 - 1. Two-Family attached housing;

B. Permitted Accessory Uses:

1. Off- street driveways and parking facilities,
2. Retaining walls and fences.
3. Additional customary accessory structures and uses are permitted if they serve, and are incidental to, the primary permitted use.

Section 3 Bulk Requirements

A. Two- Family Developments in the AH zone shall comply with each of the following requirements:

- | | |
|-----------------------------|-------------------|
| 1. Minimum Lot Area | 6,000 square feet |
| 2. Minimum Lot Width | 30 feet |
| 3. Minimum Yard Dimensions: | |
| Front | 20 feet |
| Side (One) | 5 feet |
| Side (Combined) | 10 feet |
| Rear | 20 feet |
| 4. Maximum Building Height | 3 sty./40 ft. |
| 5. On-Site Parking | Conform to RSIS |

Section 4 Supplemental Development Regulations

- A. All dwelling units in the AH zone shall at all times be affordable to either low or moderate-income households. In accordance with COAH regulations no less than 50% of the total number of affordable dwelling units in the AH zone shall be affordable to low income households.
- B. All affordable housing units shall be affirmatively marketed throughout the housing region comprising Mercer, Monmouth, and Ocean Counties in accordance with current applicable COAH rules and regulations and at all times be occupied by a certified low or moderate income household.
- C. All affordable housing units constructed herein shall be deed restricted for a period of years in accordance with current applicable COAH rules and regulations.
- D. All affordable housing units shall at all times comply with applicable COAH uniform affordability controls.

E. No less than 25% of the dwelling units in the AH zone shall be renter occupied. Nothing in this amendment is intended to prohibit more than 25% of the units from being renter occupied.

F. COAH requirements concerning bedroom distribution shall be satisfied on a zone wide basis.

G. A developer of a through lot in this zone has the option of determining which lot line shall be designated and function as the frontage. The lot line opposite the designated frontage line shall be considered a rear lot line. Driveway access to and from either street shall be permitted.

Section 5

The zoning map of the Borough of Atlantic Highlands, shall be and is hereby amended and revised to add thereto the AH Affordable Housing Zone, and to designate and fix the boundaries of said zone to include the following properties:

Block 62 Lot 4 (Simpson Ave.)
Block 136 Lot 1 (21 Leonard Ave.)
Block 136 Lot 2 (25 Leonard Ave.)
Block 124 Lots 1 and 2 (13 Leonard Ave.)

Section 6

This ordinance shall take effect immediately upon passage and publication as required by law.

Section 7

All Ordinances of the Borough of Atlantic Highlands, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 8

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Council member Ladiana introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Nolan and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for September 13, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006.
WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2006.

Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED September 20, 2006

After a Public Hearing and Second Reading, Councilmember Ladiana moved for Final Adoption of this Ordinance. It was seconded by Councilmember Spatola and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held September 20, 2006.
WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of September 2006.

Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: September 25, 2006

Peter E. Donoghue, Mayor

ACCESSORY APARTMENTS (N.J.A.C. 5:97-6.8)

General Description

Municipality/County: Atlantic Highlands, Monmouth

Affordable Units Proposed: 5

Family: 5

Low-Income: 3

Moderate-Income: 2

Age-Restricted: _____

Low-Income: _____

Moderate-Income: _____

Average expenditure:

For each low-income unit: \$ 25,000

For each moderate-income unit: \$ 20,000

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- ☐ Draft or adopted accessory apartment ordinance
- ☒ Documentation of funding sources
- ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☐ Demonstration that the housing stock lends itself to accessory apartments
- ☒ Demonstration that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartments (indicate below type of infrastructure)
 - ☒ Public water and sewer system; OR
 - ☐ If served by individual well and/or septic system, the municipality must show that the well and/or septic system meet the appropriate NJDEP standards and have sufficient capacity for additional unit

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ Affirmative Marketing Plan in accordance with UHAC

Accessory Apartment Narrative Section

An accessory apartment program to satisfy the unmet need is a new component of the Atlantic Highlands affordable housing response. Upon a finding by the Council that this is an appropriate implementation device to address the unmet need as assigned to Atlantic Highlands, the Borough will adopt the necessary operating manual and enter into a contract with an experienced Administrative Agent to ensure the program is successful in creating a realistic opportunity to address the unmet need and that the program is affirmately marketed successfully throughout the borough.

MARKET TO AFFORDABLE PROGRAM (N.J.A.C. 5:97-6.9)

General Description

Municipality/County: Atlantic Highlands, Monmouth

Affordable Units Proposed: 17

Family Rentals: 17

Low-Income: 9

Moderate-Income: 8

Age-Restricted Rentals: _____

Low-Income: _____

Moderate-Income: _____

Family For-Sale: _____

Low-Income: _____

Moderate-Income: _____

Age-Restricted For-Sale: _____

Low-Income: _____

Moderate-Income: _____

Average expenditure:

For each low-income unit: \$ 30,000

For each moderate-income unit: \$ 25,000

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 2

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 2

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Information and Documentation Required with Petition

☐ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)

-
- ☐ Demonstration that there are sufficient market-rate units within the municipality on the multiple listing service for a viable program
 - ☐ Estimate of the amount required to subsidize typical for-sale and/or rental units including any anticipated rehabilitation costs
 - ☐ Documentation of funding sources
 - ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
 - ☐ Spending plan including the details to implement this program

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ Affirmative Marketing Plan in accordance with UHAC

Market to Affordable Narrative Section

Utilitization of the market to affordable program, while not new to Atlantic Highlands response to its affordable housing response has yet to be endorsed by Council staff as an appropriate implementation mechanism for the Borough. Once endorsed for use by the Borough, a plan implementation schedule will be mutually agreed upon. Further, the Borough will enter into a working relationship with an experienced Administrative Agent for the purpose of ensuring the success of the program. In addition, the selected Administrative Agent will be responsible for affirmately marketing the units throughout the housing region and selecting income qualified households to occupy each of the market to affordable units which will be purchased by the Borough and will be deed restricted in accordance with COAH regulations.

Atlantic Highlands, working cooperatively with the owner of the Navesink Cove condominium development project, has applied for a workforce housing grant to subsidize the purchase of existing dwelling units so said units could be deed restricted and affirmatively marketed to income qualified households. Unfortunately, the grant proposal was not funded. The Borough and the property owner will continue to seek such grant as well as other available outside sources of funds in order to implement this portion of the Borough's affordable housing plan.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE
DEVELOPMENTS (N.J.A.C. 5:97-6.7)**

(Submit separate checklist for each site or project)

General Description

Municipality/County: Atlantic Highlands, Monmouth

Project Name: Leonard Avenue

Block(s) and Lot(s): Block 136 Lot 1

Affordable Units Proposed: 4

Family: 4

Sale:

Rental: 4

Very low-income units:

Sale:

Rental:

Age-Restricted:

Sale:

Rental:

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 4

Rental bonuses as per N.J.A.C. 5:97-3.6(a):

Very low income bonuses as per N.J.A.C. 5:97-3.7¹:

Smart Growth Bonus as per N.J.A.C. 5:97-3.18:

Compliance Bonus as per N.J.A.C. 5:97-3.17:

Date zoning adopted: 9/25/2006 Date development approvals granted:

Required Information and Documentation with Petition or in Accordance with an

Implementation Schedule

- ☐ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)

Is the municipality providing an implementation schedule for this project/program.

- ☐ Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

☒ No. Continue with this checklist.

☒ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- ☒ Name and address of owner
- ☒ Subject property street location
- ☒ Subject property block(s) and lot(s)
- ☒ Subject property total acreage
- ☐ Indicate if urban center or workforce housing census tract
- ☒ Description of previous zoning
- ☒ Current zoning and date current zoning was adopted
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas
- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site

- ☒ Based on the above, a quantification of buildable and non-buildable acreage
- ☒ RFP or Developer's Agreement
- ☐ Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- ☒ Pro-forma statement for the project
- ☒ Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- ☒ Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- ☒ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☒ Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS
(N.J.A.C. 5:97-6.7)**

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification	12/1/2004	12/1/2005	12/31/2008

RFP Process	12/1/2004	12/1/2005	12/31/2008
Developer Selection	12/1/2004	12/1/2005	12/31/2008
Executed Agreement with provider, sponsor or developer	12/1/2004	12/1/2005	12/31/2008
Development Approvals			
Contractor Selection			
Building Permits			
Occupancy			

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH
Site Description	12/31/2008
Site Suitability Description	12/31/2008
Environmental Constraints Statement	12/31/08

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources		
Project Pro-forma		

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds	12/1/2008	12/31/2008
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100% or Municipally Sponsored Narrative Section

Atlantic Highlands recently purchased this site for the specific purpose of constructing affordable housing thereon. Surrounding land uses are residential or recreational and supportive of the proposed use. Borough Council Resloution #145-2006 appointed the Monmouth Housing Alliance as the administrative agency that will be responsible for affirmately marketing and selecting income eligible households to occupy each dwelling unit. In furtherance of this proposed affordable development, the Governing Body of Atlantic Highlands and the Monmouth Housing Alliance have entered into a developer's agreement. Finally, Atlantic Highlands has adopted Resolution 143-2006, signaling its intent to fund the Borough's afforable housing obligation.

Ordinance 16-2006 created the AH (Affordable Housing) zone in the Borough of Atlantic Highlands. This property is within said zone. Although this ordinance will need to be amended to attain consistency with the current Housing Element, adoption of this ordinance in 2006 demonstrates the Borough's intention to fullfill its affordable housing obligation. This time the Borough prefers to react to the grant of substantive certification rather than take actions which are premature and only need to be subsequently amended to respond to changing circumstances.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.



RESOLUTION 143-2006

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ATLANTIC HIGHLANDS EXPRESSING ITS INTENT TO FUND FOR THE BOROUGH'S AFFORDABLE HOUSING OBLIGATION

WHEREAS, the Borough has pending before the Council on Affordable Housing (COAH) an application for certification of its Third Round Affordable Housing Plan; and,

WHEREAS, that Third Round Plan includes as a component the development of certain properties on Leonard Avenue and Simpson Avenue in the Borough, being Block 124 Lot 1 and Lot 2, Block 136 Lot 1, Block 136 Lot 2 all on Leonard Avenue, and Block 62 Lot 5.01 on Simpson Avenue, for twelve (12) units of low and moderate income affordable housing (2 very low, 4 low, and 6 moderate); and,

WHEREAS, the Borough is intending and proposing to enter into a Developer's Agreement between the Borough and the Monmouth Housing Alliance (MHA) pursuant to which MHA in conjunction with the Borough have developed a concept plan and MHA is endeavoring to secure funding from several sources in order to partially fund the financial obligation to construct and establish these affordable housing units; and,

WHEREAS, the Borough of Atlantic Highlands acknowledges the COAH rules and regulations that provide that, although the utilization of a mandatory development fee ordinance, grants, and other funding sources are appropriate mechanisms to raise money for the purpose of off-setting the expenses incurred in connection with the Fair Housing Plan, the mechanisms must have an alternative in place in the event that insufficient funds are derived from the mandatory development fee ordinance or other resources, or the funds are not received in a timely fashion, for the purpose of acquiring property and developing housing to meet the obligations required for Fair Housing purposes; and,

WHEREAS, the financial obligation to fully fund the establishment of these affordable housing units has been estimated at a maximum of \$3,200,000, and it is anticipated that funding and/or grants from several sources through the Borough development fee ordinance and the MHA may reduce that total maximum obligation substantially, with an estimate of \$420,000 being the minimum Borough financial obligation anticipated and this obligation and commitment of \$420,000 is to be funded by inclusion in the 2006 Capital Improvement Bond Ordinance; and,

WHEREAS, as part of the Developer's Agreement to be executed with the Monmouth Housing Alliance for the creation and development of these affordable housing units, it is necessary that the Borough formally commit to fund any shortfall in the funding necessary to complete this affordable housing development that is not funded by funding or grants to be secured by the MHA and this Resolution is to express that commitment and assurance in order that this component of the Borough's Third Round Affordable Housing Plan can be put in place,

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of Atlantic Highlands that the Borough Governing Body formally expresses its intention and commitment, in the event that the projected funding for these affordable housing units derived from the Borough's development fee ordinance, grants, and other sources developed through the MHA is insufficient to acquire and develop for affordable housing the above properties, for the Borough to fund the Borough's Third Round Affordable Housing Plan and in particular to fund any shortfall in the funds required to complete and establish the twelve (12) affordable housing units, to a maximum of \$3,200,000, to be developed in conjunction with the Monmouth Housing Alliance pursuant to a Developer's Agreement between Atlantic Highlands Borough and the Monmouth Housing Alliance, and it is the intention and commitment of the Borough Council of the Borough of Atlantic Highlands to adopt appropriate bond ordinances, if necessary, to accomplish and establish the necessary funding in an appropriate and timely manner.

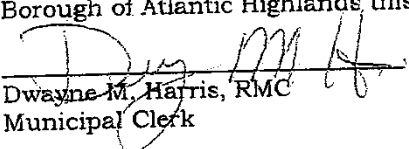
This Resolution was offered and moved by Council member Nolan, seconded by Council member Spatola and adopted on June 28, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola

NAYS: Council member

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held June 28, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of June 2006.


Dwayne M. Harris, RMC
Municipal Clerk

APPENDIX 10

WHEREAS, in the event that MHA is unable to secure a portion of the funds necessary to complete this project, the Borough has formally committed to fund any shortfall via Resolution entitled "A Resolution Of The Borough Council Of The Borough Of Atlantic Highlands Expressing Its Intent To Fund For The Borough's Affordable Housing Obligation," attached hereto as Exhibit C; and

WHEREAS, the Borough will rezone the sites upon which the 6 units on Leonard Avenue and Simpson Avenue are to be constructed and to assist MHA to facilitate the construction of the proposed scattered site project; and

WHEREAS, MHA will assure that the affordable units comply with all applicable regulations of COAH including but not limited to those regulations concerning pricing, bedroom mix, low/moderate income split, affirmative marketing, and all other applicable COAH and HMFA regulations; and

WHEREAS, the subject properties are suitable as those terms are defined in N.J.A.C. 5:94-1.4 for the project illustrated by Exhibit A; and

WHEREAS, the parties anticipate that the Borough shall be entitled to rental bonuses and will also be able to satisfy its rental responsibilities through this agreement.

NOW, THEREFORE, be it agreed as follows:

I. Purpose of Agreement

The purpose of this agreement is (a) to create a realistic opportunity for the construction of six scattered-site rental units affordable to low and moderate income households and four additional affordable, rental units in Navesink Cove; (b) to generate credit for 10 units against the borough's fair share; and (c) to generate the maximum rental bonuses that COAH regulations allow.

II. Obligations of Borough

1. The Borough shall have the obligation to provide the two lots on Leonard Avenue and Simpson Avenue identified above for the construction of 6 affordable units; and also to acquire four units in the 104 unit project commonly referred to as Navesink Cove.

2. The Borough shall deed the ten units to MHA to accommodate the development illustrated in Exhibit A and the deed shall contain an appropriate restriction indicating that the units shall only be used for the provision of affordable housing in accordance herewith.

3. The Borough shall provide a Payment in Lieu of Taxes to MHA in the amount of 5 percent of gross rents.

III. Obligations of Developer

1. MHA shall file development applications with the Planning Board based upon the ordinance incorporating the relevant standards, which ordinance is attached hereto as Exhibit E. All applications for the units on Leonard and Simpson Avenue shall be substantially in accordance with the concept plan attached as Exhibit A and shall also comply with all RSIS standards.

2. MHA shall also prepare all applications to acquire subsidies from all appropriate sources to acquire the Subject Properties.

3. MHA shall take all necessary steps to lease all ten units to low and moderate households (5 low and 5 moderate)

4. MHA shall deed restrict the units in accordance with all applicable COAH and HMFA regulations so as to entitle the Borough to credit against its affordable housing responsibilities and shall comply with all applicable laws so as to maintain the creditworthiness of the ten affordable units and the Borough's right to rental bonuses for the maximum number of units permitted by COAH regulations. Accordingly, MHA shall comply with all applicable provisions of COAH regulations and the Borough's ordinances as well as any amendments or supplements thereto that may be necessary or desirable to ensure that Atlantic Highlands complies with applicable Mount Laurel requirements.

5. MHA agrees to record deed restrictions on all ten units in conformance with all relevant COAH regulations and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et. seq. Said controls on affordability shall be in effect for a period not less than 30 years.

6. MHA agrees to act as affordable housing administrator for all ten affordable, rental units associated with this project and to administer the rental controls and other associated duties consistent with Subchapter 7 of COAH's Cycle III regulations.

7. In addition, MHA agrees to maintain the aesthetics of the six units to be constructed on Leonard Avenue and Simpson Avenue in keeping with the character neighborhood including, but not limited to, landscaping and building maintenance.

8. MHA shall commence construction of the development of the subject property within three (3) years from the date Atlantic Highlands' petition for substantive certification of its Housing Element and Fair Share Plan. Developer shall submit documentation explaining the progress of the development to the Borough upon reasonable request by the Borough. MHA has prepared a schedule for development, which shedule is attached hereto as Exhibit F.

IV. General Conditions

1. In the event that MHA fails to shall perform any of the duties addressed in this agreement, the Borough shall have a right to make application to COAH to void the agreement and to seek any relief available in law or equity.

2. Any Planning Board approval shall be subject to full compliance with this agreement as an essential and nonseverable condition of the approval.

3. MHA shall have the right to declare this agreement null and void and of no further force and effect in the event that the Approving Authority of Atlantic Highlands fails to approve an application made pursuant to this agreement within 120 days from the date that such application is deemed complete pursuant to the provisions of the Municipal Land Use Law, provided that Developer pursues said approvals with reasonable diligence. In the event that the application for the development of the proposed project is reasonably rejected or denied by any land use board or the governing body of the Borough, this agreement shall be null and void ab initio. Nothing in this agreement shall restrict Developer from utlizing its right to review or appeal any decisions of the Borough or its land use boards relevant to this project."

4. The parties shall exercise good faith, cooperate and assist each other in fulfilling the intent and purpose of this Agreement; including, but not limited to, seeking the approval of the Housing Element and Fair Share of the Borough incorporating this agreement; and the development of the property consistent with the terms hereof and the defense of any challenge with regard to any of the foregoing.

6. The provisions of this Agreement shall run with the land, and the obligations and benefits hereunder shall be binding upon and inure to the benefit of the Parties, their successors and assigns, including any person, corporation, partnership or other legal entity which at any particular time may have a fee title interest in the subject property which is the subject of this Agreement. This Agreement may be enforced by any of the parties, and their successors and assigns, as herein set forth. To achieve this purpose, the Borough shall record this agreement or a summary thereof at its exclusive option.

7. This Agreement has been fully negotiated, reviewed and drafted by all parties hereto and their respective attorneys. Accordingly, the common law presumption of resolving ambiguities against the drafter shall not apply.

8. The Borough reserves the right to renegotiate this agreement further still in the event COAH's review of the Borough's current and future plans necessitate further changes.

The terms of this agreement shall be binding upon the parties, their successors and/or assigns.

BOROUGH OF ATLANTIC HIGHLANDS

by: _____
PETER DONOGHUE, MAYOR

ATTEST

by: _____
_____, CLERK

MONMOUTH HOUSING ALLIANCE

by: _____
_____, PRESIDENT

ATTEST

by: _____
_____, SECRETARY



RESOLUTION 145-2006

RESOLUTION AUTHORIZING APPOINTMENT AND CONTRACT WITH ADMINISTRATIVE AGENT FOR AFFORDABLE HOUSING PLAN

WHEREAS, the Borough is in the process of obtaining certification from the Council on Affordable Housing (COAH) for its Third Round Affordable Housing Plan and the Plan requires the Borough to establish a certain number of affordable housing units in the Borough and for continuing requirements of monitoring and reporting on these affordable housing units, and

WHEREAS, COAH has established procedures and responsibilities that may be assigned to a contracted Administrative Agent, having specialized knowledge and expertise in the establishment and monitoring of such affordable housing units, and the Borough has determined that it is in the best interest of the proper establishment and supervision of these units to solicit and engage an experienced Administrative Agent to assist and work the Borough and its Municipal Housing Liaison, and

WHEREAS, the Borough has solicited proposals and has received a proposal for the providing of such services from the Monmouth Housing Alliance, Eatontown, New Jersey, which is an experienced and capable non-profit 501(C)(3) organization engaged in the establishment and assisting in the monitoring of affordable housing units in numerous municipalities in Monmouth County, and has determined it is in the best interest of the Borough to engage the Monmouth Housing Alliance as its Administrative Agent on the COAH Plan and Certification, and

WHEREAS, the services authorized by this Resolution are not subject to public bidding under the Local Public Contracts Law, N.J.S.A. 40A: 11-5(1)(a)(1), such services being both professional and extraordinary and Unspecifiable, and the solicitation and engagement has been through a non-fair and open process as per N.J.S.A. 19:44A-20.4 et seq., and funds have been certified as re available.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Atlantic Highlands as follows:

Resolution 145-2006

1. The appointment of the Monmouth Housing Alliance, a non-profit 501(C)(3) organization located in Eatontown, New Jersey, to provide Administrative Agency Services in accord with the Uniform Housing Affordability Controls Manual Section 5:80-26.14A(1-19) and the response to the request for proposals for the Borough of Atlantic Highlands and its Municipal Housing Liaison for the purpose of compliance with the Borough's COAH obligation and its Third Round Affordable Housing Plan, is hereby approved. The Mayor is hereby authorized to execute and the Borough Clerk to attest to an agreement engaging the Monmouth Housing Alliance in accord with the terms of the request for proposal submitted by the Monmouth Housing Alliance which sets forth the Contractual terms for their services.

Nature of Services - Providing consultation and assistance to the Borough and its representatives in the development of its fair share plan and housing element, establishing such affordable housing units, and administering the units. Such services will be generally as defined and detailed on page 16 of the Uniform Housing Affordability Controls Manual Section 5:80-26.14(a)(1-19) and as detailed in the request for proposal response by the Monmouth Housing Alliance dated 5/06.

Duration - July 1, 2006 through June 30, 2007, or such time thereafter as such Administrative Agent services are completed.

Estimated Amount of Contract - As set forth in the request for proposal response, a number of fees and costs for the Administrative Agent services are funded and/or paid for by developers and/or property owners. The Borough is responsible for the annual fee of \$7,500 plus \$100 per certified Borough unit, together with such other costs and fees as may be incurred for specialized services. It is anticipated that the Borough costs should not exceed \$15,000 annually for the services authorized under this Resolution for Administrative Agent.

Reason for Awarding the Contract - Monmouth Housing Alliance is a very experienced and specialized non-profit entity which provides assistance and services to municipalities throughout Monmouth County in complying with COAH obligations and requirements. The Borough requires such assistance to the Borough and its Municipal Housing Liaison in order to establish the required affordable housing units and to properly monitor and supervise the operation of such units and the required reporting to COAH and other governmental agencies.

2. This Contract is awarded without competitive bidding as an

Resolution 145-2006

extraordinary and unspecifiable service in accordance with N.J.S.A. 40A:11-5(1) of the Local Public Contracts Law for services. The Contract has been solicited and awarded pursuant to a non-open and fair process under N.J.S.A. 19:44A-20.4 et seq. due to the unique and specialized expertise of this non-profit entity.

3. The Borough Chief Financial Officer advises that there are funds available for the purpose of the within resolution.

4. The Mandatory Affirmative Action Language Applicable to Goods, Services and Professional Services Contracts required by N.J.A.C. 17:27 is expressly incorporated herein and made a part hereof.

5. Incorporated herein by reference is the request for proposal response submitted by the Monmouth Housing Alliance dated 5/06, the terms of which are the contract authorized by this Resolution.

6. Pursuant to N.J.S.A. 40A:11-5, this Resolution and the request for proposal response are available for public inspection at the Office of the Borough Clerk during regular business hours.

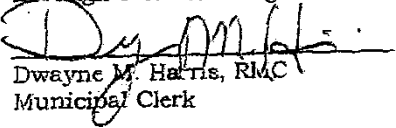
This Resolution was offered and moved by Council member Fligor, seconded by Council member Nolan and adopted on July 12, 2006 as follows:

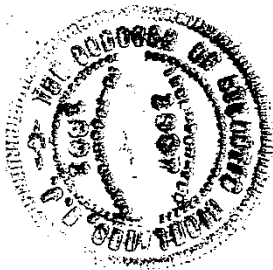
AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC
Municipal Clerk



Resolution 145-2006



ORDINANCE 16-2006

AMENDING AND SUPPLEMENTING THE DEVELOPMENT REGULATIONS - ADDING AN ATLANTIC HIGHLANDS AFFORDABLE HOUSING ZONE

WHEREAS, the Borough of Atlantic Highlands has a judicially determined constitutional obligation to provide a realistic opportunity to allow the construction of housing affordable to low and moderate income households; and

WHEREAS, the Borough of Atlantic Highlands has adopted and approved a Housing Element and Fair Share Plan dated December 20, 2005 revised on August, 2006 and is diligently seeking substantive certification from the Council on Affordable Housing (COAH) for its cumulative 1987-2014 affordable housing obligation; and

WHEREAS, the Borough of Atlantic Highlands desires to incorporate draft ordinances into and be made part of said Housing Element and Fair Share Plan; and

WHEREAS, this ordinance is being enacted to implement the 2006 Housing Element and Fair Share Plan of the Borough of Atlantic Highlands.

Section 1 Purpose

- A. The AH zone is intended to fulfill the mandates of the Mount Laurel II Supreme Court decision and comply with the rules and regulations of the New Jersey Council on Affordable Housing (COAH).
- B. The AH zone is intended to provide the opportunity to construct affordable housing within the Borough of Atlantic Highlands.

Section 2 Use Regulations

- A. Permitted Principal Use:
 - 1. Two-Family attached housing;

B. Permitted Accessory Uses:

1. Off- street driveways and parking facilities,
2. Retaining walls and fences.
3. Additional customary accessory structures and uses are permitted if they serve, and are incidental to, the primary permitted use.

Section 3 Bulk Requirements

A. Two- Family Developments in the AH zone shall comply with each of the following requirements:

- | | |
|-----------------------------|-------------------|
| 1. Minimum Lot Area | 6,000 square feet |
| 2. Minimum Lot Width | 30 feet |
| 3. Minimum Yard Dimensions: | |
| Front | 20 feet |
| Side (One) | 5 feet |
| Side (Combined) | 10 feet |
| Rear | 20 feet |
| 4. Maximum Building Height | 3 sty./40 ft. |
| 5. On-Site Parking | Conform to RSIS |

Section 4 Supplemental Development Regulations

- A. All dwelling units in the AH zone shall at all times be affordable to either low or moderate-income households. In accordance with COAH regulations no less than 50% of the total number of affordable dwelling units in the AH zone shall be affordable to low income households.
- B. All affordable housing units shall be affirmatively marketed throughout the housing region comprising Mercer, Monmouth, and Ocean Counties in accordance with current applicable COAH rules and regulations and at all times be occupied by a certified low or moderate income household.
- C. All affordable housing units constructed herein shall be deed restricted for a period of years in accordance with current applicable COAH rules and regulations.
- D. All affordable housing units shall at all times comply with applicable COAH uniform affordability controls.

-
- E. No less than 25% of the dwelling units in the AH zone shall be renter occupied. Nothing in this amendment is intended to prohibit more than 25% of the units from being renter occupied.
- F. COAH requirements concerning bedroom distribution shall be satisfied on a zone wide basis.
- G. A developer of a through lot in this zone has the option of determining which lot line shall be designated and function as the frontage. The lot line opposite the designated frontage line shall be considered a rear lot line. Driveway access to and from either street shall be permitted.

Section 5

The zoning map of the Borough of Atlantic Highlands, shall be and is hereby amended and revised to add thereto the AH Affordable Housing Zone, and to designate and fix the boundaries of said zone to include the following properties:

Block 62 Lot 4 (Simpson Ave.)
Block 136 Lot 1 (21 Leonard Ave.)
Block 136 Lot 2 (25 Leonard Ave.)
Block 124 Lots 1 and 2 (13 Leonard Ave.)

Section 6

This ordinance shall take effect immediately upon passage and publication as required by law.

Section 7

All Ordinances of the Borough of Atlantic Highlands, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 8

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Council member Ladiana introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Nolan and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for September 13, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006.
WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2006.

Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED September 20, 2006

After a Public Hearing and Second Reading, Councilmember Ladiana moved for Final Adoption of this Ordinance. It was seconded by Councilmember Spatola and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held September 20, 2006.
WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of September 2006.

Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: September 25, 2006

Peter E. Donoghue, Mayor

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE
DEVELOPMENTS (N.J.A.C. 5:97-6.7)**

(Submit separate checklist for each site or project)

General Description

Municipality/County: Atlantic Highlands, Monmouth

Project Name: Simpson Avenue

Block(s) and Lot(s): Block 62 Lot 4

Affordable Units Proposed: 2

Family: 2

Sale: _____

Rental: 2

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 2

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart Growth Bonus as per N.J.A.C. 5:97-3.18: _____

Compliance Bonus as per N.J.A.C. 5:97-3.17: _____

Date zoning adopted: 9/25/2006 Date development approvals granted: _____

Required Information and Documentation with Petition or in Accordance with an

Implementation Schedule

- ☐ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)

Is the municipality providing an implementation schedule for this project/program.

- ☐ Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

☒ No. Continue with this checklist.

☒ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including:

- ☒ Name and address of owner
- ☒ Subject property street location
- ☒ Subject property block(s) and lot(s)
- ☒ Subject property total acreage
- ☐ Indicate if urban center or workforce housing census tract
- ☒ Description of previous zoning
- ☒ Current zoning and date current zoning was adopted
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas
- ☒ Stream classification and buffers
- ☒ Critical environmental site
- ☒ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site

- ☒ Based on the above, a quantification of buildable and non-buildable acreage
- ☒ RFP or Developer's Agreement
- ☐ Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- ☒ Pro-forma statement for the project
- ☒ Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- ☒ Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

Information and Documentation Required Prior to Marketing the Completed Units

- ☒ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☒ Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC

**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS
(N.J.A.C. 5:97-6.7)**

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification	12/1/2004	12/1/2005	12/31/2008

RFP Process	12/1/2004	12/1/2005	12/31/2008
Developer Selection	12/1/2004	12/1/2005	12/31/2008
Executed Agreement with provider, sponsor or developer	12/1/2004	12/1/2005	12/31/2008
Development Approvals			
Contractor Selection			
Building Permits			
Occupancy			

(B) Site specific information, including the following:

Site Information	Date Supporting Documentation to be Submitted to COAH
Site Description	12/31/2008
Site Suitability Description	12/31/2008
Environmental Constraints Statement	12/31/2008

(C) Financial documentation including, the following:

Financial Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Documentation of Funding Sources		
Project Pro-forma		

Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds	12/1/2008	12/31/2008
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100% or Municipally Sponsored Narrative Section

Atlantic Highlands has owned this vacant parcel along Simpson Avenue for over 25 years. Surrounding land uses are residential and supportive of the proposed development. The Borough has adopted Resolution #145-2006 appointing the Monmouth Housing Alliance as the administrative agency that will be responsible for affirmately marketing and selecting income eligible households to occupy each dwelling unit. In addition, the Borough has prepared and submitted a developer's agreement between the Borough and Monmouth Housing Alliance. Lastly, the Atlantic Highlands Governing Body has adopted Resolution 143-2006, committing its intent to fund for the Borough's affordable housing obligation.

Ordinance 16-2006 created the AH (Affordable Housing) zone in the Borough of Atlantic Highlands. This property is within said zone. Although this ordinance will need to be amended to attain consistency with the current Housing Element, adoption of this ordinance in 2006 demonstrates the Borough's intention to fullfill its affordable housing obligation. This time the Borough prefers to react to the grant of substantive certification rather than take actions which are premature and only need to be subsequently amended to respond to changing circumstances.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: Atlantic Highlands, Monmouth

Program Name: County Program

Number of proposed units to be rehabilitated: 6

Information and Documentation Required with Petition

- ☐ Determination of Rehabilitation Share
- ☒ Accept number in N.J.A.C. 5:97 – Appendix B; **OR**
- ☐ Exterior Housing Survey conducted by the municipality
- ☐ Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- ☒ Documentation demonstrating the source(s) of funding
- ☒ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☒ Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- ☐ Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC

Rehabilitation Narrative Section

Atlantic Highlands will enter into an agreement with the appropriate County agency to administer the Borough's rehabilitation program. The Borough understands and recognizes that money to undertake rehabilitation of no less than half of the rehabilitation obligation (3 units) must be provided during the first half of the period of substantive certification.

This aspect of the housing obligation is new to Atlantic Highlands as the previous 3rd round regulations assigned the Borough a rehabilitation share of zero units.

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Atlantic Highlands, Monmouth

Project Name/Zoning Designation: SFC Enterprises

Block(s) and Lot(s): Block 117 Lot 8

Total acreage: 0.496

Proposed density (units/gross acre): 32

Affordable Units Proposed: 4

Family: 4

Sale: _____

Rental: 4

Very low-income units: _____

Sale: _____

Rental: _____

Age-Restricted: _____

Sale: _____

Rental: _____

Market-Rate Units Anticipated: 12

Non-Residential Development Anticipated (in square feet), if applicable: 9,120

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: 1

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: 5/8/2008

Information and Documentation Required with Petition

- ☐ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☐ in lieu of submitting forms.)
- ☐ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☒ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☐ Indicate if urban center or workforce housing census tract
- ☐ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☐ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☒ Wetlands and buffers
- ☒ Steep slopes
- ☒ Flood plain areas

-
- ☒ Stream classification and buffers
 - ☒ Critical environmental site
 - ☒ Historic or architecturally important site/district
 - ☐ Contaminated site(s); proposed or designated brownfield site
 - ☒ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

- ☒ Number, tenure and type of units
- ☒ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☐ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

On May 8, 2008 the Atlantic Highlands Planning Board approved the redevelopment of a site occupied by a building that was in extremely poor condition. During the course of the public hearing the existing building was noted to have a noticeable sag in floors and ceilings, standing water in the basement, evidence of mold conditions with additional evidence concerning poor condition of various timber supports and inadequate construction techniques.

After multiple hearings, the Planning Board adopted a resolution which committed the developer to provide affordable housing on the site based on a ratio of one affordable unit for each four market rate units stating that it was the intent that the applicant provide on-site the maximum number of affordable units permitted by the regulations (see page 52 of the approval resolution).

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

CERTIFICATION

I, STEVE LYDON, have prepared this petition application for substantive certification on behalf of the Borough of Atlantic Highlands. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.

Steven M. Lydon

Signature of Preparer (affix seal if applicable)

12/29/08

Date

Professional Planner 3972

Title

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.